

1 19 NCAC 02E .0210 is proposed for amendment as follows:  
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3 **19A NCAC 02E. 0210 REVOCATION OF OUTDOOR ADVERTISING PERMIT**

4 The appropriate district engineer shall revoke a permit for a lawful outdoor advertising structure based on any of the  
5 following:

- 6 (1) mistake of facts by the issuing District Engineer for which had the correct facts been known, he  
7 would not have issued the outdoor advertising permit;
- 8 (2) misrepresentations of any facts made by the permit ~~holder/sign~~ holder or sign owner and on which  
9 the District Engineer relied in approving the outdoor advertising permit application;
- 10 (3) misrepresentation of facts to any regulatory authority with jurisdiction over the sign by the permit  
11 ~~holder/sign~~ holder or sign owner, the permit applicant or the owner of property on which the  
12 outdoor advertising structure is located;
- 13 (4) failure to pay annual renewal fees or provide the documentation requested under Rule .0207(c) of  
14 this Section;
- 15 (5) failure to construct the outdoor advertising structure except all sign faces within 180 days from the  
16 date of issuance of the outdoor advertising permit;
- 17 (6) a determination upon ~~initial~~ inspection of a newly erected outdoor advertising structure that it fails  
18 to comply with the Outdoor Advertising Control Act or the rules in this Section;
- 19 (7) any alteration of an outdoor advertising structure for which a permit has previously been issued  
20 which would cause that outdoor advertising structure to fail to comply with the provisions of the  
21 Outdoor Advertising Control Act or the rules adopted ~~by the Board of Transportation~~ pursuant  
22 thereto;
- 23 (8) alterations to a nonconforming sign or a sign conforming by virtue of the grandfather clause other  
24 than reasonable repair and maintenance as defined in Rule .0225(c). For purposes of this  
25 subsection, alterations include, ~~but are not limited to:~~
  - 26 (a) enlarging a dimension of the sign facing, or raising the height of the sign;
  - 27 (b) changing the material of the sign structure's support;
  - 28 (c) adding a pole or poles; or
  - 29 (d) adding illumination;
- 30 (9) failure to affix the emblem ~~within~~ as required by Rule .0208 of this Section or failure to maintain  
31 the emblem so that it is visible and readable from the main-traveled way or controlled route;
- 32 (10) failure to affix the name of the person, firm, or corporation owning or maintaining the outdoor  
33 advertising sign to the sign structure in sufficient size to be ~~clearly~~ visible as required by Rule  
34 .0208 of this Section;
- 35 ~~(11) destruction or cutting of trees, shrubs, or other vegetation located on the state owned or~~  
36 ~~maintained right of way where an investigation by the Department of Transportation reveals that~~  
37 ~~the destruction or cutting;~~

- (a) ~~occurred on the state-owned or maintained right of way within 500 feet on either side of the sign location along the edge of pavement of the main traveled way of the nearest controlled route;~~
- (b) ~~was conducted by a person or persons other than the Department of Transportation or its authorized agents or assigns, or without permission from the Department of Transportation; and~~
- (c) ~~was conducted by one or more of the following: the sign owner, the permit holder, the lessee or advertiser employing the sign, the owner of the property upon which the sign is located, or any of their employees, agents or assigns, including, but not limited to, independent contractors hired by the permit holder/sign owner, the lessee/agents or advertiser employing the sign, or the owner of the property upon which the sign is located;~~
- (11) unlawful destruction or illegal cutting of trees, shrubs or other vegetation within the right-of-way of any State-owned or State-maintained highway as specified in G.S. 136-133.1(i);
- (12) unlawful use of a controlled access facility for purposes of repairing, maintaining or servicing an outdoor advertising sign where an investigation reveals that the unlawful violation:
- (a) was conducted actually or by design by the sign ~~owner/permit~~ owner or permit holder, the lessee or advertiser employing the sign, the owner of the property upon which the sign is located, or any of their employees, agents, or assigns, including, ~~but not limited to,~~ independent contractors hired by any of the above persons; and,
- (b) involved the use of highway right of way for the purpose of repairing, servicing, or maintaining a sign including stopping, parking, or leaving any vehicle whether attended or unattended, on any part or portion of the right of ~~way;~~ way except as authorized by the Department of Transportation, including activities authorized by the Department for selective vegetation removal pursuant G.S. 136-131.1, G.S. 136-131.2 and G.S. 136-133.4. Access from the highway main travel way shall be allowed only for surveying or delineation work in preparation for and in the processing of an application for a selective vegetation removal permit; or
- (c) involved crossing the control of access fence to reach the sign ~~structure;~~ structure, except as authorized by the Department, including those activities referenced in (b) of this item;
- (13) maintaining a blank sign for a period of 12 consecutive months;
- (14) maintaining an abandoned, dilapidated, or discontinued sign;
- (15) a sign that has been destroyed or significantly damaged as determined by ~~Rules~~ Rule .0201(8) and (29) of this Section;
- (16) moving or relocating a nonconforming sign or a sign conforming by virtue of the grandfather clause which changes the location of the sign as determined by Rule .0201(27) of this Section;

1 (17) failure to erect, maintain, or alter an outdoor advertising sign structure in accordance with the  
2 North Carolina Outdoor Advertising Control Act, codified in G.S. 136, Article 11, and the rules  
3 adopted by the Board of Transportation; pursuant thereto; and

4 (18) willful failure to substantially comply with all the requirements specified in a vegetation removal  
5 permit if such willful failure meets the standards of G.S. 136-133.1(i) as specified in G.S. 136-  
6 133.4(e).

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8 *History Note: Authority G.S. ~~105-86(e)~~; 136-130; 136-93; 136-133; 136-133.1(i), 136-133.4(e)*  
9 *Eff. July 1, 1978;*  
10 *Temporary Amendment Eff. March 1, 2012*  
11 *Amended Eff. August 1, 2000; May 1, 1997; November 1, 1993; March 1, 1993;*  
12 *October 1, 1991; December 1, ~~1990~~-1990; November 1, 2012.*